

CAP-IT
P. O. Box 1128
Pittsburg, CA 94565-2021
925-439-2227 [office & fax]
capitdelta@aol.com

July 23, 2001

TO: CALIFORNIA ENERGY COMMISSION
FROM: Paulette M. Lagana, Ed.D., President, Board of Directors, CAP-IT

RE: DOCKET 01-SIT-1
Initial Draft of Modifications to the Siting Regulations

CAP-IT believes there is and will always be THREE sides to the balance of the state licensing process: the CEC, the Applicant, and the Public.

CAP-IT strongly opposes the following proposed amendments to the rules of the California Energy Commission's [CEC] process when licensing power plants in the State of California.

We have participated as an Intervenor in three proposed licensing processes within the last three years. Based on that first hand experience, we are opposed to ANY changes that diminish the public's right to participate fully and without restriction.

Each of these proposed changes detrimentally affects the "allowable" level of public participation. There is NO affect on the applicant's "allowable" level of participation. This has the appearance of prejudice to **protect** the applicant and **exclude the right** of the public to full participation. Since the CEC is a public servant, it is obliged by law to serve the public interest. These proposed amendments neither protect nor support **full and unfettered** public participation. Therefore, these amendments are contradictory to upholding and protecting the public trust.

Section 2 Section 1710H We OPPOSE

The proposed change would exclude the public from participation in and witnessing of informational exchanges and/or discussion of procedural issues. This is the crux of public participation. The public must be present to assure that the public's point of view and special circumstances are represented. Just as it is important that the staff and the applicant are duly represented, the presence of the public is no less important.

Section 1 Section 1212 We OPPOSE

Requiring written testimony IN ADVANCE of a hearing is against the interest of the public. It is an unreasonable and unfair burden on the public and in many cases impossible task to expect written testimony in advance. This proposed change can only limit and inhibit public participation - - especially if the length of time for notification is shortened!

So too, by expanding the power of the presiding member in the present climate of unreasonable rush to approve applications, can result in an overzealous inhibition of open and thorough debate.

Speaking of written testimony, why isn't the CEC amending its rules to require publishing **ALL** [not just some] documentation in other applicable **languages**, especially Spanish, and to provide sign language interpretation at each and every meeting, hearing, etc.

Section 3 Section 1712 We OPPOSE

Limiting the Intervenor's right to cross-examination is unconscionable!

With one hand, you invite the participation of the public to become an Intervenor and with the other hand, you place a gag on an Intervenor's right and ability to participate.

Section 4 Section 1714.5 We OPPOSE

Giving deference to other agencies seems redundant. In our experience, we observed first hand this deference. It was always in evidence. The CEC can not know all things about all issues. It does rely upon the expertise of other agencies. Here, again, the public can assist both the CEC and other agencies to include all aspects of an issue.

Section 1755 (d) (2) We Question

"That the benefit of the project outweigh the unavoidable significant adverse environmental effects that may be caused by the construction and operation of the facility." If there were any statement to support the full and unfettered participation of the public, this is that statement. The interests of the public, in general, and the future of our children, in particular, **MUST and WILL ONLY BE** protected, supported, and assured when full public participation is guaranteed and upheld by **YOU** the public servant of the State of California.

Thank you for your consideration.